

SENATE BILL 2334
By Dixon

AN ACT to amend Tennessee Code Annotated, Section 67-4-605,
relative to the liability of clerks, and the reporting of judges,
for uncollected taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-605, is amended by adding the
following new language to be designated as subsection (d):

(d)(1) Any privilege tax imposed by §67-4-602 which the clerk of the court shall
fail to collect and pay over to the department of revenue shall be a debt of the clerk.

(2) Any privilege tax imposed by §67-4-602 which the clerk of any city
court shall fail to collect and pay over to the department shall be a debt of the
clerk.

(3) The failure of the clerk of the supreme court or the clerk of the court
of appeals to collect and pay over to the department any privilege tax imposed by
§67-4-602 shall not be a debt of the county.

(4) Any clerk of the court failing or refusing to collect and pay over to the
department the tax imposed by §67-4-602 shall be liable therefor, and the
commissioner or the commissioner's delegate may collect the amount of the tax

from the clerk or the clerk's official bondsman pursuant to Chapter 1, Part 14 of this title.

(5) If the judge of any court suspends, releases, waives, remits or orders the clerk of the court not to collect any privilege tax on litigation, or in any other manner releases any party from liability for any privilege tax on litigation, the clerk of the court shall immediately report such suspension, release, waiver, remission, or order to not collect such tax, to the department in such manner as shall be prescribed by the department, and the commissioner or the commissioner's delegate shall immediately, upon receipt of such a report from any clerk of a court, present such information to the court of the judiciary, which court shall take appropriate action pursuant to Title 17, Chapter 5. The commissioner or the commissioner's delegate shall also report such information to the council on pensions and insurance.

(6) This section shall not apply to any case where the court costs and privilege taxes have been suspended by the judge of a court of general sessions pursuant to §40-25-123.

SECTION 2. This act shall take effect on July 1, 2002, the public welfare requiring it.